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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,498	06/28/2001	David A. Scott	36968-255221	7450

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

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9

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/894,498	SCOTT ET AL.
Examiner	Art Unit	
Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,2,5-22,25-45 and 48-66 is/are pending in the application.
  - 4a) Of the above claim(s)       is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,5-22,25-45 and 48-66 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Objections***

1. **Claim 48** is objected to because of the following informalities: line 1 "claim 47" should be "claim 44". Correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-2, 5-22, 25-45, 48-57, 59 and 61-66** are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson et al. (US 6,535,585).

Regarding **claim 1**, Hanson discloses a method for notification upon successful message delivery (column 1, lines 50-56), (which reads on claimed "a method for providing a status notification or reply for a message in a communications network") comprising:

assigning a message identifier (column 5, line 17 "an identification number") and a destination identifier (15 on FIG. 1) to the message in response to a request of the status notification or reply (column 5, line 21 "confirmation callback service"), the

destination identifier comprising a destination format (column 5, line 15 "voice message") and a destination address (column 5, lines 15-31) [The calling party wishes to use the confirmation callback, a status notification not a reply since the applicant claimed a selective or "the status notification or reply"];

storing the message with the message identifier and the destination identifier (column 5, lines 35-45) [The system updates the contact database with the contact information of the called party]; and

generating the status notification or reply addressed and formatted according to the destination identifier, in response to a triggering event (column 6, lines 3-12) [The system calls the calling party based on the request for callback using contact information from the contact database to provide the delivery status notification].

Regarding **claims 2 and 22**, Hanson discloses assigning a disposition identifier to the message to track a change to a status of the message, the disposition identifier responding to a disposition event, the triggering event comprising the disposition event (column 5, lines 15-31).

Regarding **claims 5 and 25**, Hanson discloses billing a party to the message for the generating of the status notification (column 5, lines 15-31).

Regarding **claims 6 and 27**, Hanson discloses the disposition event comprises at least one of a dispatching event (column 6, lines 3-12).

Regarding **claims 7, 28 and 51**, Hanson discloses accessing the message (column 6, lines 3-12).

Regarding **claims 8, 29 and 52**, Hanson discloses malfunctioning of the status notification of the message (column 5, lines 55-67).

Regarding **claims 9, 30 and 53**, Hanson discloses forwarding the message (column 5, lines 55-67).

Regarding **claims 10, 26 and 49**, Hanson discloses the triggering event further comprises a passage of time (column 6, lines 26-29).

Regarding **claims 11 and 31**, Hanson discloses an address identifier having the destination address (column 4, lines 18-31); and a format identifier having the destination format (column 4, lines 18-31).

Regarding **claims 12, 18, 32, 38, 55 and 64**, Hanson discloses an email address (column 16, lines 1-20).

Regarding **claims 13, 33 and 36**, Hanson discloses a text format (column 16, lines 1-20).

Regarding **claims 14 and 34**, Hanson discloses an electronic communications network (column 14, lines 43-61).

Regarding **claims 15, 35 and 61**, Hanson discloses a type identifier (column 16, lines 1-20).

Regarding **claims 16 and 62**, Hanson discloses a communication network identifier (column 14, lines 43-61).

Regarding **claims 17, 37 and 63**, Hanson discloses a recipient (column 5, lines 15-31).

Regarding **claims 19 and 39**, Hanson discloses storing an attribute for the status notification for the message, wherein the attribute comprises at least one of the message identifier (column 4, lines 32-38).

Regarding **claims 20 and 40**, Hanson discloses forwarding the attribute (column 4, lines 32-38).

Regarding **claim 21**, Hanson discloses a system for notification upon successful message delivery (column 1, lines 50-56), (which reads on claimed "a system to provide a status notification or reply for a message in a communications network") comprising:

a processor (18 on FIG. 1) for prompting a message sender (16 on FIG. 1) to assign a message identifier (column 5, line 17 "an identification number") and a destination identifier (15 on FIG. 1) for the message in response to a request of the status notification or reply (column 5, line 21 "the confirmation callback"), the destination identifier comprising a destination format (16 on FIG. 1) and a destination address (15 on FIG. 1), the processor associating the message identifier and the destination identifier with the message (column 5, lines 35-45), and the processor generating the status notification or reply addressed and formatted according to the destination identifier, in response to a trigger event (column 6, lines 3-12) [The system calls the calling party based on the request for callback using contact information from the contact database to provide the delivery status notification, a status notification not a reply since the applicant claimed a selective or "the status notification or reply"].

Regarding **claim 41**, Hanson discloses a data repository operative to store the attribute (column 4, lines 18-31).

Regarding **claim 42**, Hanson discloses the data repository comprises a database (column 4, lines 18-31).

Regarding **claim 43**, Hanson discloses a first database for storing the message (column 4, lines 45-50); and

a second database for storing the attribute (column 4, lines 45-50).

Regarding **claim 44**, Hanson discloses a system for notification upon successful message delivery (column 1, lines 50-56), (which reads on claimed “a system to provide a status notification or reply for a voicemail message”) in an advanced intelligence network (FIG. 3) comprising an intelligent peripheral (100 on FIG. 3) operative to:

prompt a message sender (16 on FIG. 1) to assign a message identifier (column 10, line 13 “an ID”) and a destination identifier (column 5, line 17 “an identification number”) for the message in response to a request of the status notification or reply (column 5, line 21 “the confirmation callback”), the destination identifier comprising a destination format (16 on FIG. 1) and a destination address (column 5, lines 15-31) [The calling party wishes to use the confirmation callback, a status notification not a reply since the applicant claimed a selective or “the status notification or reply”];

associate the message identifier and the destination identifier with the message (column 5, lines 35-45) [The system updates the contact database with the contact information of the called party];

generate the status notification or reply addressed and formatted according to the destination identifier, in response to a triggering event (column 6, lines 3-12) [The system calls the calling party based on the request for callback using contact information from the contact database to provide the delivery status notification].

Regarding **claims 45 and 65**, Hanson discloses the intelligent peripheral is further operative to assign a disposition identifier to the message to track a change to a status of the message, the disposition identifier responding to a disposition event, the triggering event including the disposition event (column 6, lines 38-56).

Regarding **claim 48**, Hanson discloses the intelligent peripheral is further operative to bill a party to the message for the generating of the status notification (column 6, lines 38-56).

Regarding **claim 50**, Hanson discloses the disposition event comprises at least one of a managing event (column 5, lines 17-31); and a dispatching event (column 5, lines 35-45).

Regarding **claim 54**, Hanson discloses an address identifier having the destination address (column 5, lines 15-31); and a format identifier having the destination format (column 5, lines 15-31).

Regarding **claim 57**, Hanson discloses a service switching point functionally connected to the intelligent peripheral (104 on FIG. 3); and an interface functionally connected to a service switching point and operative to accept communications from a second communications network (106 on FIG. 3).

Regarding **claim 59**, Hanson discloses a computer network functionally connected to the interface and operative to facilitate the status notification and reply directed to a computer network client device (column 6, lines 38-56).

Regarding **claim 66**, Hanson discloses a service management system functionally connected to the intelligent peripheral, operative to perform administrative functionality comprising at least one of forwarding the attribute (column 6, lines 38-56).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 58 and 60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson in view Skladman et al. (US 6,498,835).

Regarding **claim 58**, Hanson as applied to **claim 57** differs from **claim 58** in that it fails to disclose a mobile telephone switching office.

However, Skladman teaches a mobile telephone switching office functionally connected to the interface and operative to facilitate the status notification and reply directed to a cellular device (58 on FIG. 1a).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a mobile telephone switching office of Skladman in the invention Hanson.

The modification of the invention would offer the capability of a mobile telephone switching office such as the system would have the alternative for operation the messages.

Regarding **claim 60**, Hanson as applied to **claim 57** differs from **claim 60** in that it fails to disclose a personal digital assistant.

However, Skladman teaches a personal digital assistant communications network functionally connected to the interface and operative to facilitate the status notification and reply directed to a personal digital assistant (60 on FIG. 1a).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a personal digital assistant of Skladman in the invention Hanson.

The modification of the invention would offer the capability of a personal digital assistant such as the system would have the alternative for operation the messages.

***Response to Arguments***

7. Applicant's arguments with respect to **claims 1-2, 5-22, 25-45 and 48-66** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

*Gerald Gauthier*

g.g.

July 16, 2003

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